

AGENDA ITEM: Regulations for the Library of California Act

The Library of California Act, signed into law in September of 1998, will expand the California Library Services Act (CLSA) in terms of libraries and services through a multi-year incremental implementation process. A key responsibility for the Board in implementing the new program is the promulgation of regulations for the Library of California Act. This will enable the Board to expend funds appropriated for the Act and to carry out its provisions.

ISSUE TO COME BEFORE THE BOARD AT THIS MEETING: Consideration of a Final Version of the Proposed Regulations.

RECOMMENDED MOTION FOR CONSIDERATION BY THE BOARD: I move that the Library of California Board direct its Chief Executive Officer to submit the proposed regulations (Text of Modified Regulations, as released for public comment on September 20, 1999) to the Office of Administrative Law.

BACKGROUND AND SUMMARY:

California law governs the Library of California rulemaking procedure, with timelines and opportunities for public comment specified in detail. Requirements for notification and documentation are defined.

The Board formally initiated the rulemaking process in May of 1999, with a final public hearing scheduled for July 26 and all written comments scheduled for receipt by July 27.

At its August meeting, the Board reviewed the public comments received and made changes in the proposed regulations. The modified regulations were mailed to all persons who submitted written comments and/or attended a public hearing; copies were also sent to the Library of California Planning Region Contacts and to all CLSA System Coordinators and Administrative Council Chairs. It was also posted on the website. A copy of the mailing appears in Exhibit A.

Interested persons were invited to submit written comments about the proposed changes between September 20, 1999 and October 12, 1999. No written comments were received.

Staff Recommendation:

Adopt the Text of Modified Regulations as the final version of the proposed regulations and submit them to the Office of Administrative Law.

GENERAL OVERALL PROGRAM UPDATES:

In preparation for the promulgation of regulations, informal workshops were held in five locations statewide in January 1999 and, at its January meeting, the Board reviewed the draft regulations and provided direction in key policy areas. The Board reviewed the revised draft at its February meeting, where it also acted upon the remaining policy areas. The document was revised accordingly and re-formatted in accordance with Office of Administrative Law (OAL) requirements and advice, subject to Board review.

The rulemaking procedure began officially with the submission of the Notice of Proposed Rulemaking and its publication in the May 21 issue of the *California Regulatory Notice Register*. This submission also included the proposed regulations, the Initial Statement of Reasons (an informative digest justifying each proposed regulation), and the Economic and Fiscal Impact Statement. These materials were also mailed to approximately 900 people and are available on the State Library's website. In accordance with the Board's decision, eight public hearings were conducted on the proposed regulations.

The Board revised the proposed regulations at its August meeting, based upon public comments and internal Board deliberations. The modified text of the regulations was mailed to 85 people and additional public comment was invited. No additional comments were received.

RELATED ISSUES TO COME BEFORE THE BOARD IN THE FUTURE:

1. Conclude the initial rulemaking procedure.
2. Review all comments received related to implementation procedures and to issues for future rulemaking.
3. Conduct a second rulemaking procedure, at a later date, to address those areas requiring more study or reflecting to-be-determined policies.

Relevant Committee:	Legislation
Staff Liaison:	Barbara Will